



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SPEECH

SUBJECT: Association of American Sewerage Agencies (AMSA)
FROM: John Peter Suarez
TO: AMSA, Washington, D.C.

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AS THE ASSISTANT ADMINISTRATOR FOR THE OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE, IT IS MY DUTY TO HELP ENSURE THE PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT. THIS IS ACCOMPLISHED THROUGH THE UPHOLDING OF THE ENVIRONMENTAL REGULATIONS AND GUIDELINES THAT ARE ALREADY IN PLACE. HOWEVER, NO MATTER OUR PERSPECTIVE AS ENFORCERS OF THE LAW, I BELIEVE WE MUST NEVER LOSE SIGHT OF THE FACT THAT OUR GOAL IS TO BE FAIR TO EVERYONE THAT WE DEAL WITH. ALSO, IT IS MY CONVICTION THAT WE MUST BE FLEXIBLE IN HOW WE ACHIEVE OUR GOALS. SO WE MUST BE FLEXIBLE IN OUR APPROACHES TO ENFORCING THE LAW, SO THAT WE CAN CONTINUE TO FIND INNOVATIVE SOLUTIONS TO ENVIRONMENTAL ISSUES THAT PRODUCE BENEFICIAL RESULTS.

IN REGARDS TO ENVIRONMENTAL ISSUES, GOVERNOR WHITMAN RECENTLY REMARKED, "WATER, BOTH ITS AVAILABILITY AND QUALITY, IS ONE OF THE BIGGEST CHALLENGES FOR THE NEXT CENTURY; AND WE MUST GET READY FOR THAT CHALLENGE." THE QUALITY OF WATER IS THE PART OF THAT CHALLENGE THAT WE CAN DO SOMETHING ABOUT.

I GREW UP NEAR THE SHORE AND I CAN REMEMBER SPENDING MANY A LONG SUMMER DAY BODY SURFING IN THE WAVES. THOSE ARE CHERISHED TIMES IN MY LIFE, AND I DESIRE THOSE SAME SORT OF FOND MEMORIES FOR MY CHILDREN AS I AM SURE YOU DO AS WELL. YET WE ARE ALL AWARE OF THE THREAT WE'RE FACED WITH IN REGARDS TO THE FUTURE STATE OF WATER QUALITY.

MANY MUNICIPALITIES ACROSS THE COUNTRY HAVE SIGNIFICANT PROBLEMS WITH MAINTAINING THEIR SEWAGE COLLECTION SYSTEMS. THIS RESULTS IN A SIGNIFICANT NUMBER OF DISCHARGES OF RAW SEWAGE OCCURRING IN CITY STREETS, PARKS, AND STREAMS. RAW SEWAGE OVERFLOWS FROM SANITARY SEWER SYSTEMS INTO BASEMENTS, STREETS, PLAYGROUNDS, AND WATERWAYS UPWARDS OF 40,000 TIMES A YEAR, POTENTIALLY EXPOSING OUR COMMUNITIES TO A HOST OF HARMFUL DISEASE-CAUSING PATHOGENS.

SANITARY SEWER OVERFLOWS AND COMBINED SEWER OVERFLOWS POSE A SIGNIFICANT THREAT TO PUBLIC HEALTH AND THE ENVIRONMENT FROM HIGH CONCENTRATIONS OF BACTERIA FROM FECAL CONTAMINATION, AS WELL AS DISEASE-CAUSING VIRUSES AND OTHER PATHOGENS. SSO'S AND CSO'S ARE A LEADING CAUSE OF BEACH AND SHELLFISH BED CLOSURES AND IMPAIRED RECREATIONAL USE OF SURFACE WATERS, AS WELL AS ECOSYSTEM DEGRADATION FROM INCREASED POLLUTANT LOADINGS. WE ARE FACED WITH A SERIOUS ENVIRONMENTAL RISK WITH THE RELEASE OF RAW SEWAGE INTO OUR WATERWAYS.

THIS IS WHY SSO'S' AND CSO'S HAVE BEEN DESIGNATED A NATIONAL PRIORITY FOR THE EPA. I BELIEVE WE ARE ALL IN AGREEMENT THAT THESE ISSUES ARE A SERIOUS PUBLIC HEALTH ISSUE. THE QUESTION THEN IS " HOW DO WE RESOLVE THESE PROBLEMS?"

THE GOAL OF EPA'S ENFORCEMENT ACTIONS IS TO ELIMINATE SSOS FROM A MUNICIPAL COLLECTION SYSTEM AND TO MAXIMIZE ASSURANCES THAT ALL SANITARY WASTE IS CONVEYED TO THE TREATMENT PLANT FOR SECONDARY TREATMENT.

TRADITIONALLY FEDERAL ENFORCEMENT HAS BEEN THE WAY WE HAVE ADDRESSED THIS ISSUE. OUR GOAL IS TO SEE ALL MUNICIPALITIES IN COMPLIANCE WITH THE REGULATIONS. WE ARE ALWAYS LOOKING FOR

WAYS THAT ARE INNOVATIVE YET EFFECTIVE FOR BRINGING MUNICIPALITIES INTO COMPLIANCE. THIS ENSURES US A FAVORABLE ENVIRONMENTAL IMPACT. THAT IS WHY WE ARE REACHING OUT WITH INCENTIVE BASED PROGRAMS. YET IF MUNICIPALITIES AREN'T WILLING TO "COME INTO THE FOLD", THEN WE FIND THAT OUR TRADITIONAL ENFORCEMENT ACTIONS HAVE PROVED VERY EFFECTIVE.

EPA ENFORCEMENT ACTIONS HAVE ALREADY REDUCED SANITARY SEWER OVERFLOWS OF RAW SEWAGE BY 11 BILLION GALLONS, AND COMBINED SEWER OVERFLOWS BY 120 BILLION GALLONS. THESE RESULTS ARE ACHIEVED THROUGH COMPREHENSIVE PLANS THAT IMPROVE MAINTENANCE AND OPERATION OF SYSTEMS TO REDUCE ACCIDENTAL OVERFLOWS, AND THROUGH LONG-TERM CAPITAL CONSTRUCTION PROJECTS THAT EXPAND CAPACITY TO HOLD RAW SEWAGE DISCHARGES UNTIL THEY CAN BE TREATED PROPERLY.

IN EACH CASE, EPA AIMS TO HAVE A MUNICIPALITY ASSESS ITS SYSTEM TO UNDERSTAND THE SCOPE OF THE PROBLEMS, AND THEN CREATE A PLAN TO IMPROVE, UPDATE, AND REPAIR ITS WASTEWATER COLLECTION SYSTEM AND OPERATION AND MAINTENANCE PROGRAMS.

EPA HAS BEEN SYSTEMATICALLY ADDRESSING THESE PUBLIC HEALTH PROBLEMS BY PLACING THE VIOLATING MUNICIPALITIES ON LONG-TERM

COMPLIANCE SCHEDULES TO ADDRESS DEFICIENCIES IN SEWAGE
INFRASTRUCTURE INVESTMENT.

STATE AND EPA ENFORCEMENT ACTIONS OFTEN ALLOW FAIRLY LONG
IMPLEMENTATION SCHEDULES (5-15 YEARS) DEPENDING ON THE COST AND
COMPLEXITY OF THE INJUNCTIVE RELIEF REQUIRED TO PREVENT RAW
SEWAGE OVERFLOWS. IN ADDITION, EPA PROVIDES GUIDANCE, TRAINING
AND OTHER TECHNICAL ASSISTANCE TOOLS FOR MUNICIPALITIES TO ASSIST
THEM IN PLANNING, DEVELOPING AND IMPLEMENTING EFFECTIVE
SOLUTIONS. WE HAVE A SHARED VISION OF DOING WHATEVER IS
NECESSARY TO ENSURE COMPREHENSIVE AND DEPENDABLE METHODS FOR
SEWAGE TREATMENT.

NOW, I KNOW YOUR THAT YOUR CONSTITUENTS ARE DOING WHATEVER
THEY DEEM NECESSARY TO RESOLVE ANY OF THESE ISSUES THAT CONFRONT
THEM. I AM AWARE THEY AREN'T MINDFULLY TRYING TO DEGRADE THE
ENVIRONMENT OR MALICIOUSLY POSE A RISK TO HUMAN HEALTH. THAT IS
WHY EPA IS TRYING TO DO WHAT WE CAN TO ASSIST YOUR CONSTITUENTS
IN THEIR CAPACITY TO COMPLY WITH THE REGULATIONS WHICH ARE
IMPOSED UPON THEM FOR THE BENEFIT OF ALL.

WE ARE MAKING EFFORTS TO COME ALONGSIDE THE MUNICIPALITIES TO
PROVIDE THEM THE HELP THEY NEED TO COMPLY WITH THE RULES THAT ARE

IN PLACE. EPA'S REGIONAL OFFICES PROVIDE COMPLIANCE ASSISTANCE MATERIALS DIRECTLY TO MUNICIPALITIES AND ALSO PROVIDE TRAINING AND WORKSHOPS.

COMPLIANCE ASSISTANCE TOOLS, SUCH AS THE LOCAL GOVERNMENT ENVIRONMENTAL ASSISTANCE NETWORK (LGEAN) IS BEING PROVIDED AT EPA'S EXPENSE, TO DO WHAT WE CAN IN ASSISTING MUNICIPALITIES. LGEAN IS AN EPA-SPONSORED COMPLIANCE ASSISTANCE CENTER FOR LOCAL MUNICIPAL GOVERNMENTS. LGEAN PROVIDES USERS PLAIN-LANGUAGE COMPLIANCE GUIDES, IT PROVIDES ENVIRONMENTAL MANAGEMENT, PLANNING AND REGULATORY INFORMATION FOR ELECTED AND APPOINTED OFFICIALS, MANAGERS AND STAFF, INCLUDING VARIOUS TECHNICAL AND FINANCIAL RESOURCES.

MUNICIPAL AND CITY OFFICIALS LOOKING FOR SSO-RELATED INFORMATION WILL FIND A WEALTH OF REGULATORY, TECHNICAL AND FINANCIAL ASSISTANCE MATERIALS ON EPA WEBSITES.

IN DECEMBER 2002, USERS WILL FIND ON THE WEBSITE A CAPACITY, MANAGEMENT, OPERATIONS, AND MAINTENANCE (CMOM) SELF-ASSESSMENT CHECKLIST.

EPA IS PROVIDING **INCENTIVES** TO MUNICIPALITIES TO IMPROVE THEIR

COLLECTION SYSTEMS AND ELIMINATE SSOS.

IN A PILOT PROGRAM IN REGION 4, EPA ASKED PERMITTED WASTEWATER UTILITIES AND ANY SATELLITE SYSTEMS TO PERFORM A DETAILED AUDIT OF THE MANAGEMENT, OPERATION, AND MAINTENANCE (MOM) PROGRAMS ASSOCIATED WITH THEIR SYSTEM.

PARTICIPANTS PROVIDE A REPORT WHICH INCLUDES THE AUDIT RESULTS, ANY IMPROVEMENTS THAT CAN BE MADE, AND A SCHEDULE TO MAKE THE IMPROVEMENTS. BY SELF-DISCLOSING THESE FACTS, THE PARTICIPANTS MAY BE ELIGIBLE FOR REDUCED, AND IN SOME CASES, ELIMINATED CIVIL PENALTIES.

INVITED MUNICIPALITIES ELECTING NOT TO PARTICIPATE ARE AUDITED BY THE REGION AND ARE THEN SUBJECT TO TRADITIONAL ENFORCEMENT ACTIONS WHERE APPROPRIATE. EPA REGION 4'S GOAL IS TO BRING 100% OF THE PUBLICLY OWNED TREATMENT WORKS HANDLING DOMESTIC WASTEWATER IN REGION 4 INTO COMPLIANCE WITH THE "PROPER OPERATION AND MAINTENANCE" PROVISION IN THEIR ASSOCIATED PERMITS BY THE YEAR 2011.

SO AS I HAVE PRESENTED, THE QUALITY OF THE WATER THAT WE SWIM, FISH AND RECREATE IN DEPENDS UPON YOUR CONSTITUENTS CAPABILITY TO

COMPLY WITH REGULATIONS THAT HAVE BEEN IMPLEMENTED FOR THE
PROTECTION AND PRESERVATION OF HUMAN HEALTH AND THE
ENVIRONMENT. I LOOK FORWARD TO WORKING WITH YOU TO CONTINUE
FINDING THE BEST WAYS TO ACCOMPLISH THESE GOALS.